

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Amendments to Claims and Specification

Claim 1 has been amended to recite that the mobile phone option is only activated after selection of the option from a menu. In addition, original steps (c) and (d) reciting respective details of the mobile phone and PDA activations, have been moved to claims 4 and 5.

Support for the recitation that the mobile phone option is only activated after selection of the option from a menu follows from the procedure shown in Fig. 2 and described in lines 2-17 on page 4 of the original specification. As illustrated in Fig. 2, the selection menu is shown when the device is powered on, followed by a step of determining whether the mobile phone option has been selected. Since the PDA option is activated if the mobile phone option has not been selected, it follows that the mobile phone option is only activated if the mobile phone option is selected. Thus, activation of the mobile phone option can only occur after selection of the option from the menu. Consequently, it is respectfully submitted that the recitation of mobile phone activation only after selection of the mobile phone option, and the corresponding amendments to page 4 of the specification, do not represent "new matter."

2. Rejection of Claim 1 Under 35 USC §103(a) in view of U.S. Patent Publication No. US 2002/0090931 (Papineau) and U.S. Patent Nos. 6,309,305 (Kraft) and 5,797,089 (Nguyen)

This rejection is respectfully traversed on the grounds that neither the Papineau publication nor the Kraft and Nguyen patents discloses or suggests a method of selectively activating PDA and mobile phone features of an electronic device in which the mobile phone option is only activated after selection of the mobile phone option from a menu.

According to the claimed invention, a user is prevented from unintentionally activating the mobile phone since the only way to activate the mobile phone is to select the option from a

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menu that appears when the device is powered on. As a result, the risk of a mobile phone signal being mistakenly transmitted during take-off or landing of an airplane is greatly reduced, thereby reducing the possibility of violating flight safety rules and interfering with navigation equipment.

In contrast:

- power is immediately provided to the communications module of Papineau when the wireless phone is turned on, **and not just when a mobile phone option is selected--i.e.,** instead of only being turned on by a positive selection on the part of the user, Papineau teaches that the mobile phone option is turned on by default, **without an initial selection on the part of the user**, with the option being provided of cutting off the already activated mobile phone option,
- the device disclosed in the Kraft patent does not include any sort of phone/PDA select option, and
- the device disclosed in the Nguyen patent uses separate power-on switches for the phone and PDA components of the device.

The Papineau publication includes a communications enabled (mobile phone option) and a communications disabled operating mode for operating the electronic device as a PDA, as does the claimed invention. However, the communications enabled operating mode is not activated only by a menu displayed upon power-up. **In fact, it is not activated by any menu or user selection, but rather is automatically activated upon power-up.** Instead of providing an initial communications disabled operating mode, the communications disabled operating mode of Papineau can only be entered *after* the electronic device has been powered-up and the communications devices have been on for a while. If the user forgets to disable the communications devices, or takes a long time to do so, disastrous consequences could occur due to interference with a plane's navigation system.

As explained in paragraph [0024] of the Papineau publication:

The user may enter the command to disable the communications module 202 by navigating through a menu to a prompt for the communications disabled operating mode and selecting that prompt. Alternatively, a dedicated button or switch 320 may be provided on the housing 302, which may issue the communications-disable command to the processor 106 when pressed.

This passage confirms that Papineau leaves it up to the user to disable the phone function, *and that the communications function is initial enabled rather than being activated only upon selection from a menu, as claimed.* When the device of the claimed invention is powered-up, the user is presented with the option of either enabling the phone function or not. According to the invention, the user does not need to “**navigate through menus**” or **remember to activate a “special button,” as taught by Papineau**, in order to enter a non-mobile phone mode. Instead, the user will only turn on the phone function when needed, based on the claimed selection of the mobile phone option *after* display of a menu and selection therefrom, enabling use of the device in communications-sensitive situations such as airplanes and hospitals without the possibility of unintentionally turning-on the transceiver.

These deficiencies are not remedied by the Kraft patent. The Kraft patent discloses a phone with convenient cut and paste functions but **no phone/PDA activation function**, or even a phone disabling function of the type taught by Papineau.

The deficiencies of Papineau’s phone disabling system are also not remedied by Nguyen, which teaches an electronic device with completely separate phone and PDA functions. Instead of providing a menu on power-up that enables activation of the PDA and/or phone functions, the phone and PDA of Nguyen are **separately powered-on**. As explained in col. 3, lines 37-55 of the Nguyen patent, when the device is in a “closed” position, it is used as an ordinary mobile phone with no PDA functions and no disablement option. On the other hand, when the device of Nguyen is opened-up to reveal a PDA, it may be used as either a PDA or phone depending on which of two respective switches 25 or 26 is turned-on. Having to open-up the phone and activate a switch in order to use the PDA function, as taught by Nguyen, is not as convenience

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as the claimed power-up activation menu, and not suggestive of modifying the disabling function of Papineau to include such a menu.

Because the Papineau publication, and the Kraft and Nguyen patents, each fails to disclose or suggest the claimed activation of a mobile phone option only when the option is selected from a menu, the Papineau patent instead teaching that the communications module is initially on, and only disabled when a phone disable option is selected after the phone has already been turned on, the Kraft patent failing to teach any sort of phone/PDA selection option, and the Nguyen patent teaching separate power-on switches for a phone and PDA, withdrawal of the rejection under 35 USC §103(a) in view of the Papineau publication and Kraft and Nguyen patents is respectfully requested.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'B. E. Urcia', with a long horizontal flourish extending to the right.

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